

What is the Process for Naturalization to become a US Citizen?

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Although the rate of immigration may have slowed during recent years due to more stringent immigration criteria, there still are many individuals, military and civilian, currently residing in the United States awaiting naturalization or will begin the process for becoming naturalized. The purpose of this article is to inform soldiers and family members of the requirements and procedures for naturalization—that is for a lawful permanent resident to become a United States citizen.

Deciding to become a U.S. citizen is an important decision in one's life. I remember when I stood before a federal court judge along with others from all over the world seeking to pledge our allegiance to the finest country in the world. It was a proud moment and if you too decide to apply for naturalization, you are showing your commitment to the United States. When you are naturalized, you obtain the benefits, as well as the responsibilities, of being a U.S. citizen. This article will provide the basic information about naturalization. The naturalization process can be complicated depending on your circumstance. It is always advisable to seek professional assistance whenever possible for a smoother transition into citizenship.

To qualify for the naturalization process, the following requirements must be met:

a. You must be 18 years of age or older.

b. You must be:

(1) A Lawful Permanent Resident (LPR), aka "green card" alien, for 5+ years **OR**

(2) Married to a U.S. Citizen for 3+ years and in LPR status in the U.S. for 3+ yrs **OR**

(3) In the US Armed Forces (Army, Navy, Marines Air Force, and Coast Guard) for 3+ years, or honorably discharged from the same within the last 6 months. (This is the "normal" military processing for naturalization; see subparagraph 4 below.)

(4) Special military processing for "Expedited Naturalization" (by Executive Order 13269 of President George W. Bush dated July 3, 2002) for military service members, in an active duty status, serving in the U.S. Armed Forces on or in the period after September 11, 2001. This is likely to be in effect for a limited time only! This special category allows soldiers to apply for naturalization earlier than the "normal" three years; it does not mean automatic naturalization—you must still meet all other requirements. These N-400 applications are sent to the BCIS Nebraska Service Center.

c. You must have continuous residence (in LPR status) in the U.S. for 5+ years (with no trips abroad of 6 months or longer). This is reduced to 3 years for those applying based on marriage to a U.S. Citizen. It is not required for those applying based on service in the Armed Forces. "Continuous residence" means you have not left the U.S. for extended periods of time while an LPR. Trips abroad of longer than 6 months break your "continuous residence" time (other than military assignments or deployments, which do not count).

d. You must be "physically present" in the US for 30 months or more during the past five years; this is reduced to 18 months for those applying based on marriage to U.S. Citizen; it is not required for those applying based on service in the Armed Forces. "Physical presence" means that you have actually been in the US for the requisite number of months before applying for Naturalization. (Note that any time spent abroad as a member of the Armed Forces counts as if that person was in the United States.)

- e. You must be a resident in the state where you are applying for 3 months prior to application.
- f. You must show English language proficiency. You must pass a test on U.S. civics.
- g. You must appear for an interview before a BCIS official.
- f. You must be a person of "good moral character." "Good moral character" problems would include: serious crimes; crimes involving fraud or "moral turpitude"; 2+ crimes with aggregate sentence of 5+ yrs; lying to BCIS (or IRS); lying to obtain an immigration benefit.
- h. You must provide your fingerprints to the BCIS for processing.
- i. You must express an attachment to US Constitution and its values, and be willing to take an oath expressing your allegiance to the United States.

Once you determine you meet the initial qualification for naturalization, you must be proactive and file an application with BCIS. The following is a list of the more significant steps in the process.

- a. Obtain the "Application for Naturalization" Form N-400. The application fee is \$260 + \$50 for fingerprinting (current as of April 2003).
- b. Read the BCIS booklet "A Guide to Naturalization." You can download it from the BCIS website, www.immigration.gov. If you are a member of the Armed Forces, special rules apply to you with regard to naturalization. See your Legal Assistance attorney for information.
- c. Complete the N-400 Naturalization application--be thorough and truthful.
- d. The N-400 may require additional documentation to be filed with it. Make sure you send this in—incomplete applications will not be processed and will be delayed. If you are applying on the basis of your military service, you must file a completed N-426 (Request for Certification of Military or Naval Service). The Personnel shop or the legal assistance office should be able to assist.
- e. Get two photographs taken for submission with your application. They must be in a specific format; see the application for instructions. They need to be of specific size and format, so spend the extra money and have it done at the nearest photography shop.
- f. Send your application, any necessary supporting documents, and fee to the appropriate BCIS Service Center for processing. Keep a photocopy of the entire package for yourself. You should receive a receipt from BCIS within a few weeks—keep this, as the receipt number is how BCIS will track the progress of your application.
- g. You will eventually receive a letter from BCIS indicating where to go for fingerprinting and an interview. *Make sure you go at the time appointed*; missing the appointment or rescheduling usually will cause long delays. Bring any additional documents requested by BCIS. If you must reschedule, let BCIS know well in advance.
- h. Attend the interview; answer questions about your application and take the English and U.S. civics test.
- i. Attend naturalization ceremony (scheduled by BCIS) to take the oath of citizenship. You will return your Permanent Resident card ("green card") just before the ceremony.

j. Receive your Certificate of Naturalization. Keep this document in a safe place! It is your proof of U.S. citizenship. It is also recommended you obtain a U.S. passport at the earliest opportunity; the passport will also be proof of U.S. citizenship. You do not need to apply to BCIS for the child's citizenship as long as both parents or the custodial parent(s) are naturalized; it is automatic. However, if you want documentation from BCIS showing the child is a citizen, you may file Form N-600 to obtain a certificate of citizenship for the child. The fee is \$185 (current as of April 2003).

The naturalization process can be tedious and frustrating. Moreover, due to the number actions BCIS must process, it may take some time before you appear before a government official to pledge an oath to this country. However, be patient and in due time, a notification of the naturalization ceremony will be sent to you. If there are any specific questions, contact the Fort Gordon Legal Assistance Office at 791-7883 or DDEAMC OCJA at 787-4097 to speak with an attorney on Wednesdays. Be sure to have your ID card. Remember, seeing a lawyer early may not only solve a problem you have, it may resolve or allow you to avoid a problem in the future.